UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18 (Bowen Engineering Group)

and

Case 09-CB-092868

CHARLES MITCHELL

ORDER¹

The petition of International Union of Operating Engineers, Local 18 to revoke subpoenas duces tecum B-711206 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

Dated, Washington, D.C., April 22, 2013.

MARK GASTON PEARCE, CHAIRMAN

SHARON BLOCK, MEMBER

¹ The National Labor Relations Board has delegated its authority in this matter to a three-member panel. Member Griffin, who is a member of the present panel, has recused himself and took no part in the consideration of this case.

² We are mindful of the Union's obligation to continue the operation of its referral system during the time required to comply with the subpoena. Accordingly, we encourage the Region and the Union to revisit the Union's offer, as characterized in its petition to revoke, to examine documents at the Union's office, including the materials sought in Paragraphs 6 and 7.